

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GREGORY BANKS,

Plaintiff(s),

vs.

DR. SUE, et al.,

Defendant(s).

Case No. 2:15-cv-00187-JAD-NJK

ORDER

(Docket No. 23)

Pending before the Court is Plaintiff's motion to serve Defendants Francis, Sue and Sanchez. Docket No. 23. As outlined more fully below, the motion is **GRANTED** with respect to Defendants Sue and Sanchez, and **DENIED** without prejudice as to Defendant Francis.

With respect to Defendants Sue and Sanchez, the Attorney General's office has filed their last known addresses under seal. Docket No. 18. Therefore, with respect to Defendants Sue and Sanchez, the Court hereby **GRANTS** the pending motion as follows:

- **IT IS ORDERED** that the U.S. Marshal shall serve Defendants Sue and Sanchez.
- **IT IS FURTHER ORDERED** that the Clerk of the Court shall provide Plaintiff with two blank copies of the USM-285 form.
- **IT IS FURTHER ORDERED** that the Clerk of the Court shall issue Summons to Defendants Sue and Sanchez under seal, and deliver the same to the U.S. Marshal for service. Plaintiff shall have twenty days in which to furnish the U.S. Marshal with the required Form USM-285 (with Defendants' addresses omitted). Within twenty days after

1 receiving from the U.S. Marshal a copy of the Form USM-285, showing whether service
2 has been accomplished, Plaintiff must file a notice with the court identifying whether
3 Defendants Sue and Sanchez were served. If Plaintiff wishes to have service again
4 attempted on an unserved defendant, a motion must be filed identifying the unserved
5 defendant and specifying a detailed name and/or address for said defendant, or whether
6 some other manner of service should be attempted. Pursuant to Rule 4(m) of the Federal
7 Rules of Civil Procedure, service must be accomplished within 90 days from the date this
8 order is entered.

- 9 • **IT IS FURTHER ORDERED** that the addresses of Defendants Sue and Sanchez shall
10 remain sealed and shall not be provided to Plaintiff.

11 With respect to Defendant Francis, however, the motion is **DENIED** without prejudice. The
12 Attorney General's office has indicated that it does not have a record of a current or former employee
13 named "Dr. Francis," and therefore cannot provide the last known address of Defendant Francis. Docket
14 No. 18 at 2. With respect to Defendant Francis, the Court rules as follows:

- 15 • **IT IS ORDERED** that Plaintiff shall promptly meet and confer with Deputy Attorney
16 General Tiffany E. Breinig in an attempt to provide more detail so that the Attorney
17 General's office can identify Defendant Francis.
- 18 • **IT IS FURTHER ORDERED** that, no later than November 22, 2016, Ms. Breinig shall
19 file a joint statement regarding the results of that meet-and-confer process. Ms. Breinig
20 must also specifically identify the steps taken by her office to attempt to locate Defendant
21 Francis in their records based on the information available to her. To the extent the parties
22 have not identified Defendant Francis by that time, the joint statement shall also provide the
23 positions of Plaintiff and the Attorney General's office regarding whether Plaintiff is
24 entitled to limited discovery directed at identifying Defendant Francis and, if so, what
25 particular discovery should be allowed.

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- 1 • **IT IS FURTHER ORDERED** that, to the extent Defendant Francis can be identified
2 through the meet-and-confer process, no later than December 6, 2016, Ms. Breinig shall file
3 a notice of acceptance of service or a notice providing Defendant Francis' last known
4 address under seal.
- 5 • **IT IS FURTHER ORDERED** that, no later than December 20, 2016, Plaintiff may seek
6 further relief regarding the service on Defendant Francis if service has not been accepted
7 by the Attorney General's office by that time.
- 8 • The Clerk's Office is **INSTRUCTED** to reactivate Ms. Breinig as the attorney of record for
9 Defendant Francis on the docket pending resolution of the issues addressed herein. The
10 Clerk's Office is further **INSTRUCTED** to serve a copy of this order by mail and
11 electronically on Ms. Breinig.

12 IT IS SO ORDERED.

13 Dated: October 18, 2016

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16 NANCY J. KOPPE
17 United States Magistrate Judge
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